



#5

PATENT

Customer No. 22,852

Attorney Docket No. 4284.0815

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Toru TATEISHI

Application No.: 09/400,281

Filed: September 21, 1999

For: COMMUNICATION APPARATUS
AND COMMUNICATION RATE
SELECTING METHOD THEREOF))
) Group Art Unit: 2731

) Examiner: Unknown

RECEIVED

MAR 06 2002

Technology Center 2600

Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

A copy of the listed document is attached.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents is material or constitutes "prior art." If the Examiner applies the document as prior art

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

against any claim in the application and Applicant determines that the cited document does not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 4, 2002

By: 

Pedro F. Suarez
Reg. No. 45,895

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com